

AMENDED IN SENATE APRIL 6, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1436**

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**Introduced by Senator Bates**

February 19, 2016

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An act to amend Section 54953 of the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

SB 1436, as amended, Bates. Local agency meetings: local agency executive compensation: oral report of final action recommendation.

The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public, except that closed sessions may be held under prescribed circumstances. Existing law authorizes the legislative body to hold a closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee, but generally prohibits the closed session from including discussion or action on proposed compensation. Existing law authorizes the legislative body to hold a closed session with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, but prohibits the closed session from including final action on the proposed compensation of one or more unrepresented employees. Existing law prohibits the legislative body from calling a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined.

This ~~bill~~ *bill*, *prior to taking final action*, would require the legislative body to orally report a summary of a recommendation for a final action

on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive during the open meeting in which the final action is to be taken.

By imposing new requirements on cities, counties, cities and counties, and special districts, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 54953 of the Government Code is  
2     amended to read:  
3     54953. (a) All meetings of the legislative body of a local  
4     agency shall be open and public, and all persons shall be permitted  
5     to attend any meeting of the legislative body of a local agency,  
6     except as otherwise provided in this chapter.  
7     (b) (1) Notwithstanding any other provision of law, the  
8     legislative body of a local agency may use teleconferencing for  
9     the benefit of the public and the legislative body of a local agency  
10    in connection with any meeting or proceeding authorized by law.  
11    The teleconferenced meeting or proceeding shall comply with all  
12    requirements of this chapter and all otherwise applicable provisions  
13    of law relating to a specific type of meeting or proceeding.  
14    (2) Teleconferencing, as authorized by this section, may be used  
15    for all purposes in connection with any meeting within the subject  
16    matter jurisdiction of the legislative body. All votes taken during  
17    a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) ~~The Prior to taking final action, the~~ legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. *This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.*

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50

1 percent of the number of members that would establish a quorum  
2 are present within the boundaries of the territory over which the  
3 authority exercises jurisdiction, and the health authority provides  
4 a teleconference number, and associated access codes, if any, that  
5 allows any person to call in to participate in the meeting and that  
6 number and access codes are identified in the notice and agenda  
7 of the meeting.

8 (2) Nothing in this subdivision shall be construed as  
9 discouraging health authority members from regularly meeting at  
10 a common physical site within the jurisdiction of the authority or  
11 from using teleconference locations within or near the jurisdiction  
12 of the authority. A teleconference meeting for which a quorum is  
13 established pursuant to this subdivision shall be subject to all other  
14 requirements of this section.

15 (3) For purposes of this subdivision, a health authority means  
16 any entity created pursuant to Sections 14018.7, 14087.31,  
17 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
18 and Institutions Code, any joint powers authority created pursuant  
19 to Article 1 (commencing with Section 6500) of Chapter 5 of  
20 Division 7 for the purpose of contracting pursuant to Section  
21 14087.3 of the Welfare and Institutions Code, and any advisory  
22 committee to a county sponsored health plan licensed pursuant to  
23 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
24 Health and Safety Code if the advisory committee has 12 or more  
25 members.

26 (4) This subdivision shall remain in effect only until January 1,  
27 2018.

28 SEC. 2. The Legislature finds and declares that Section 1 of  
29 this act, which amends Section 54953 of the Government Code,  
30 furthers, within the meaning of paragraph (7) of subdivision (b)  
31 of Section 3 of Article I of the California Constitution, the purposes  
32 of that constitutional section as it relates to the right of public  
33 access to the meetings of local public bodies or the writings of  
34 local public officials and local agencies. Pursuant to paragraph (7)  
35 of subdivision (b) of Section 3 of Article I of the California  
36 Constitution, the Legislature makes the following findings:

37 This act ensures that more Californians can meaningfully  
38 participate in the meetings of legislative bodies of local agencies.

39 SEC. 3. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district under this act would result from a legislative mandate that  
3 is within the scope of paragraph (7) of subdivision (b) of Section  
4 3 of Article I of the California Constitution.

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